HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.2575 of 2002

Date : 28-12-2006

Between :

Smt.G.Aparna Srinivas,
Chairperson,
Municipal Council,
Siddipet,
Medak District. .. Petitioner

And

The District Collector,
Karimnagar District,
and others ..
Respondents

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W.P.No.2575 of 2002

ORDER:

1. This Court issued *rule nisi* on 11-2-2002 and granted interim stay of auction as prayed for in W.P.M.P.No.3083/2002.

2. The petitioner, the then elected Chairperson of Siddipet Municipality filed the present Writ Petition praying for a writ of mandamus declaring the action of the respondents in calling for sealed tender/open auction vide letter No.A2/2903/98-PR dated 29-1-2002 in respect of Elagandal and Khazipur Gram Panchayat of Karimnagar Mandal as illegal, arbitrary, without any justification and to pass such other suitable orders.

3. It is stated that it is the responsibility of the writ petitioner to look after the welfare of the residents of Siddipet by providing the amenities such as drinking

water, electricity, sanitation, road etc. It is also stated that for the purpose of drinking water supply the Government evolved a scheme by digging infiltration wells to draw water from Maneru river. Accordingly the Municipality had already dug three infiltration wells and constructed a at Pothur village in the Maneru river. The water drawn from the three wells will be taken to another intake well and from there the water will be pumped to Siddipet for drinking purpose. The Maneru river flowing down stream is the main source of drinking water for the Siddipet town. It is also stated that during summer there will be heavy scarcity of water in the town due to depletion of the water in the river bed and with great difficulty water will be drawn through the infiltration wells which is hardly sufficient for the residents of Siddipet town. It is also stated that the 2nd respondent issued notification vide letter No.A2/2903/98-PR dated 29-1-2002 inviting sealed tender/open auction for sand quarry lease in respect of 15 Mandals. It is stated that the petitioner is concerned in respect of Elagandal and Khazipur Gram Panchayats of Karimnagar Mandal on 19-2-2002 and 14-2-2002 respectively. It is further stated that Elagandal and Khazipet villages are within the periphery of 4 K.Ms. where the water supply Head Works are situated. It is further stated that as the Siddipet Municipality is facing severe scarcity of drinking

water, if the respondent authorities allow quarrying of sand, the same would result in further depletion of water in the infiltration wells as the said wells are adjacent tl Elagandal and Khazipur Gram Panchayats. The said action of the respondents in inviting sealed tenders/open auction in respect of Elagandal and Khazipur Gram Panchayats of Karimnagar Mandal is wholly illegal, arbitrary and without any justification. It is also stated that the Commissioner, Siddipet Municipality had already submitted a representation to the District Collector, Karimnagar bringing to his notice that the sand mining at Maneru river bed at Pothur village will result in acute down fall in the water levels and consequently the existing filter points would dry up and thereby the drinking water supply to the Siddipet town would be affected. The residents of Elagandal and Khazipur Gram Panchayats had also submitted their representation on 2-2-2002 for cancellation of open auction/sealed tender scheduled to be held on 14-2-2002 and 19-2-2002. It is further stated that the Superintending Engineer (PH), West Circle, Hyderabad, Public and Health Municipal Engineering Department, vide letter No.647/T2/Division Bench/D8/Aug-WS/Spet/Vol.III/2000/2357 dated 13-12-2001 requested the 1st respondent to give necessary instructions to the concerned authorities for stoppage of

sand mining in Maneru river bed near Pothur village within the periphery of four kilometers from either side of Water Supply Head Works. It is also further stated that the District Collector, Medak at Sanga Reddy vide his letter No.D4/6736/2001 dated 21-12-2001 had addressed a letter to the District Collector, Karimnagar and requested to give necessary instructions to the concerned authorities for the stoppage of sand mining in Maneru river bed, Pothur village within the periphery of 4 K.Ms. from either side of Water Supply Head Works and in spite of the same the respondents-authorities are proceeding with the auction of sand mining on 19-2-2002 and 14-2-2002 in respect of the said two villages.

4. On instructions, the learned Assistant Government Pleader for Panchayat Raj states that in view of the interim order granted by this Court no fresh auction as such had been conducted for Elagandal and Khazipur sand quarries. It is also stated that in view of the amendment and the subsequent changed circumstances liberty may be given to the respondents to reexamine the whole issue.

5. Accordingly, liberty is given to the respondents to examine the whole issue again and take appropriate decision in this regard. It is needless to say that the general interest of the public of the locality also may have to be kept in view while taking a decision in the

issue. With the above directions, the Writ Petition is disposed of. No costs.

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Justice P.S.Narayana

Date : 28-12-2006

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